

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HOANG KIM VO,) CASE NO. C08-131-RSM-MAT
Petitioner,) (CR04-468-RSM)
v.)
) ORDER DECLINING TO SERVE
) PETITION AND GRANTING LEAVE
UNITED STATES OF AMERICA,) TO AMEND
Respondent.)
)
)

Petitioner, proceeding *pro se*, filed a motion to vacate, set aside, or correct her sentence pursuant to 28 U.S.C. § 2255. (Dkt. 1.) The Court, having reviewed the petition, finds it defective in the following respects:

(1) The motion to vacate is signed by petitioner's spouse and criminal co-defendant, Tam Minh Nguyen. The motion is also accompanied by a number of documents pertinent to Nguyen's own pending § 2255 motion. Petitioner's motion to vacate must include her own signature, rather than the signature of Nguyen. The Court also advises petitioner to ensure that the claims within and documents attached to her motion are particular to her own case.

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01 (2) Petitioner is granted leave to amend her motion to vacate. The amended motion
02 to vacate should be filed on the forms provided by the Clerk. Petitioner must correct the noted
03 deficiencies within **thirty (30) days** of the date of this Order, or her petition will be subject to
04 dismissal. The amended motion to vacate must be filed under the same case number as this one,
05 and will operate as a complete substitute for, rather than a mere supplement to, the present motion
06 to vacate. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992).

10 DATED this 1st day of February, 2008.



Mary Alice Theiler
United States Magistrate Judge

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